

REMARKS

Claims 15-28 are pending in the above-identified application. These claims have been subjected to a Unity of Invention Requirement as follows:

Group I -- claims 15-18 directed to a method for inhibiting or treating a reflux or regurgitation condition or disease or inhibiting transient lower esophageal sphincter relaxations (TLESRs);

Group II -- claims 19, 21 and 22 directed to methods for preventing or treating lung disease or asthma;

Group III -- claim 20 directed to a method for managing failure to thrive; and

Group IV -- claim 23 directed to a method for treating or preventing chronic laryngitis.

Applicants have also been required to elect a single species. It is asserted in the Office Action that the above-noted Groups I-IV are drawn to “diverse organ systems” such that these claims fail to relate to a single general inventive concept by lacking the same or corresponding special technical feature.

Response and Election

In response to the above-noted Requirement, Applicants hereby elect the subject matter of Group I, i.e. claims 15-18. This election is made with a traversal based on the reasons indicated below. In addition, Applicants also elect as a single species the compound 2-methyl-6-(phenylethynyl)-pyridine (MPEP). This species election is also made with a traversal based on the reasons indicated below.

Reasons Supporting Traversals of Requirement and Species Election

It is respectfully submitted that all of the claims of the present application relate to a single general inventive concept by reciting as a corresponding special technical feature the use of an effective amount of a metabotropic glutamate receptor 5 (mGluR5) antagonist. It is respectfully submitted that this should satisfy applicable unity requirements, regardless of whether different organ systems are encompassed by these claims. Consequently, it is requested that this Requirement be withdrawn.

It is further respectfully requested that the provisional species election be withdrawn, since the scope of the present claims should not be limited to the use the specific elected compound (MPEP). The present invention is more broadly directed to the use of mGluR5 antagonists for the inhibition of various diseases and conditions, such as TLESRs, for example. Consequently, it is requested that this species election be withdrawn and at the very minimum all of the compound examples of the present application included in the examination.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

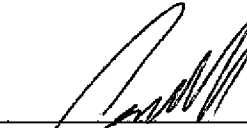
Application No.: 10/517,869

Docket No.: 5999-0517PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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